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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,646	04/05/2001	David Canfield	OFA/K100	3493

7590

08/07/2003

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EXAMINER

HOPKINS, ROBERT A

ART UNIT

PAPER NUMBER

1724

DATE MAILED: 08/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/826,646

Applicant(s)

CANFIELD, DAVID

Examiner

Robert A Hopkins

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-6, 8-12, 14, 15, 17-19 and 21-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19 and 21-23 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 6, 12, 14, 15 and 24 is/are rejected.
- 7) ☒ Claim(s) 5, 8-11, 17, 18 and 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,4,6 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Stults(3784102).

Stults teaches a fragrant medium apparatus comprising a top portion(16') comprising a plurality of top portion connection members(36'), the top portion connection members adapted for insertion into a recess of bottom portion(14'), a middle portion containing a fragrant medium(50) having a plurality of openings(60; column 6 lines 1-3), the middle portion adapted for insertion between the top portion and the bottom portion, the bottom portion comprising a plurality of connection members(30'), the bottom portion connection members adapted for insertion into a recess of the top portion. Stults further teaches wherein the top portion and bottom portion comprise a plurality of openings. Stults further teaches wherein the top , middle, and bottom portion are circular. Stults further teaches wherein each of the top portion connection members and bottom portion connection members are rectangular.

Claims 12,14,15 are rejected under 35 U.S.C. 102(b) as being clearly

anticipated by Stults(3784102).

Stults teaches a fragrant medium apparatus comprising a top portion(16') comprising a recess(30') for accommodating a plurality of bottom portion connection members(36'), a middle portion(50) comprising a fragrant medium, the middle portion adapted for insertion between the top portion and bottom portion, the bottom portion including a plurality of bottom portion connection members adapted for insertion into the recess of the top portion, and wherein the top, bottom, and middle portions include a plurality of openings(56,60;column 6 lines 1-3). Stults further teaches wherein the top, middle, and bottom portions are circular.

Claim 24 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Stults(3784102).

Stults teaches a fragrant medium apparatus comprising a top portion(16) and a bottom portion(14) interconnected to one another to form an enclosed container, a fragrant medium(50) disposed within the enclosed container, the top and bottom portion and the fragrant medium including a plurality of openings(56,60; column 6 lines 1-3) configured to form passages for the flow of air through the container and fragrant medium.

Allowable Subject Matter

Claims 5,8-11,17,18,25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 5 recites "wherein each of the top portion connection members and

bottom portion connection members comprise a barb. Stults discloses rectangular connection members. It would not have been obvious to someone of ordinary skill in the art at the time of the invention to substitute barbs for rectangular connection members because Stults does not suggest such a modification.

Claim 8 recites "wherein each of said top portion connection members and bottom portion connection members are adapted to pass through a material". Stults discloses connection members which are adapted to connect to each other, but not pass through a material. It would not have been obvious to someone of ordinary skill in the art at the time of the invention to provide connection members which are adapted to pass through a material because Stults does not suggest such a modification.

Claim 9 recites "wherein each of said top portion and bottom portion are adapted for attachment to a furnace filter". Stults discloses connection members which are adapted to connect to each other , but not adapted for attachment to a furnace filter. It would not have been obvious to someone of ordinary skill in the art at the time of the invention to provide a top portion and bottom portion which are adapted for attachment to a furnace filter because Stults does not suggest such a modification. Claim 10 depends on claim 9 and also would be allowable upon incorporation of claim 9 into claim 1.

Claim 11 recites "wherein said top portion is adapted for attachment to a device with a fan". Stults discloses a snap hook attached to the device, however the snap hook is not connected to the top portion and is not adapted for

attachment to a fan. It would not have been obvious to someone of ordinary skill in the art at the time of the invention to provide a top portion which is adapted for attachment to a device with a fan because Stults does not suggest such a modification.

Claim 17 recites "wherein each of said bottom portion connection members are adapted to pass through a furnace filter". Stults discloses connection members which are adapted to connect to each other , but not adapted to pass through a furnace filter. It would not have been obvious to someone of ordinary skill in the art at the time of the invention to provide a top portion and bottom portion which are adapted to pass through a furnace filter because Stults does not suggest such a modification.

Claim 18 recites "wherein said top portion is adapted for attachment to a device with a fan". Stults discloses a snap hook attached to the device, however the snap hook is not connected to the top portion and is not adapted for attachment to a fan. It would not have been obvious to someone of ordinary skill in the art at the time of the invention to provide a top portion which is adapted for attachment to a device with a fan because Stults does not suggest such a modification.

Claim 25 recites "further including an air filter and means to attach said container to a surface of said air filter". Stults does not disclose an air filter. It would not have been obvious to someone of ordinary skill in the art at the time of the invention to provide an air filter and means to attach the container to a surface of the air filter.

Claims 19 and 21-23 are allowed.

Claims 21-23 include subject matter which was indicated as allowable in the previous office action.

Claim 19 recites "said top portion connection members adapted for insertion through a furnace filter and into a recess of a bottom portion". Stults discloses a top portion connection member which is adapted for connection to a bottom portion , but not adapted for insertion through a furnace filter. It would not have been obvious to someone of ordinary skill in the art at the time of the invention to provide top portion connection members adapted for insertion through a furnace filter and into a recess of bottom portion because Stults does not suggest such a modification.

Response to Arguments

Applicant's arguments with respect to the amended claims have been considered but are moot in view of the new grounds of rejection.

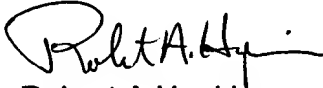
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A Hopkins whose telephone number is 703-308-3913. The examiner can normally be reached on Monday-Friday 9:00am-3:00pm, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on 703-308-1261. The fax phone numbers for the organization where this application or proceeding

Application Number: 09/826,646
Art Unit : 1724

is assigned are 703-872-9310 for regular communications and 703-872-9572 for
After Final communications.

Any inquiry of a general nature or relating to the status of this application
or proceeding should be directed to the receptionist whose telephone number is
703-308-0661.



Robert A Hopkins
Primary Examiner
Art Unit 1724

rah
April 4, 2003